



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3386**
Peter HEROLD et al. : Docket No. 2001-1907A
Serial No. 10/048,229 : Group Art Unit 1625
Filed January 29, 2002 : Examiner Hector M. Reyes

PRODUCTION OF N-SUBSTITUTED
2,7-DIALKYL-4-HYDROXY-5-AMINO-
8-ARYL-OCTANOYLAMIDES :

RESPONSE

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed April 9, 2004, constituting a requirement for restriction.

Applicants traverse the restriction requirement, on the basis of the following considerations.

In defining each of Groups I-IV, the Examiner takes the position that they not so linked as to form a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features.

However, to the contrary, as apparent from the translation of the International Preliminary Examination Report (IPER), a copy of which is of record according to the Notice of Acceptance, the PCT Authority acknowledged unity of invention for all of claims 1-18.


According to PCT Article 27:

(1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.

Since the PCT Authority has acknowledged unity of invention, Applicants respectfully submit that the PTO should not require restriction.

Respectfully submitted,

Peter HEROLD et al.

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